UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,140	12/05/2001	John Kliewe	AUS920010989US1	8049

40412	7590	03/25/2005		

IBM CORPORATION- AUSTIN (JVL)
C/O VAN LEEUWEN & VAN LEEUWEN
PO BOX 90609
AUSTIN, TX 78709-0609

EXAMINER
MITCHELL, JASON D

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10,12-16 and 18-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10,12-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to an application filed on 12/05/2001.

2.   As requested by the applicant claims 4, 11 and 17 have been canceled and claims 6, 8-9, 12-15, 18 and 19 have been amended. Accordingly claims 1-3, 5-10, 12-16 and 18-20 are still pending in this case.

3.   In view of the new grounds of rejection made herein, the action is made **NON-FINAL.**

Drawings

4.   **In response to Applicant's remarks regarding the Drawings:** Examiner does accept the formal drawings filed with Applicant's application, and this will be noted in this office action.

Claim Rejections - 35 USC § 101

5.   **In response to Applicant's remarks regarding the Claim Rejections under 35 U.S.C. 101:** Applicant's amendments were sufficient to over come the rejections and consequently they will be withdrawn.

Claim Rejections - 35 USC § 112

6.   In response to Applicant's remarks regarding the Claim Rejections under 35 U.S.C. 112: Applicant's amendments were sufficient to over come the rejections and consequently they will be withdrawn.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1, 7-8, 14 and 20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US 6,189,010B1 to Isip (Isip) in view of US 6,081,810 to

Rosenzweig et al. (Rosenzweig).

Regarding Claims 1, 8 and 14: Isip discloses retrieving a SPUFI code that

corresponds to the actual database (col. 14, lines 12-19 'generate the output file ... is

executed using for example SPUFI'); testing the SPUFI code using an erroneous

database (col. 15, lines 19-20 'the UPDATE statements are executed and operate upon

... the exception table'); determining whether the testing is successful (col. 15, lines 23-

25 'verify that the proper corrections have been made'); and updating an actual

database based on the determining (col. 15, lines 25-27 'Once the user is satisfied ...

the corrected rows can be inserted into the database table'), the updating creating an

changed database.

Further Isip does not disclose copying the actual database in its entirety, the copying

resulting in an erroneous database. However Isip does disclose copying the rows to be

effected by the update (col. 14, lines 58-60 'creating a new exception table') storing the

partial copy of the database as the erroneous database (col. 15, lines 19-20 'the

UPDATE statements are executed and operate upon ... the exception table') wherein

the storing is performed prior to the testing (col. 14, lines 54-56 'generated prior to each time a CHECK utility operates').

Rosenzweig teaches copying an actual database, the copying resulting in an erroneous database (col. 5, line 65-col. 6. line 3 'The entire database is maintained ... as a backup') in an analogous art for the purpose of protecting the data against corruption or loss (col. 5, line 65-col. 6. line 3 'as a backup to database 16 in the event malfunction ... causes a loss').

It would have been obvious to a person of ordinary skill in the art at the time of the invention to create an erroneous database as taught in Isip (col. 14, lines 58-60 'exception table') which contains the entirety of the actual database as taught in Rosenzweig (col. 5, lines 65-66 'entire database') and execute the update query disclosed in Isip (col. 15, lines 19-20) on the erroneous database, if system resources were available to handle the extra processing and storage requirements.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the developer the opportunity to verify that the query performed correctly before updating the actual database (Isip col. 15, lines 21-25 'provides and opportunity .... to verify that proper corrections have been made')-thereby protecting the data from loss or corruption as taught in Rosenzweig (col. 5, line 65-col.6, line 3 'acts as a backup').

Regarding Claim 7 and 20: The rejections of claims 1 and 14 are incorporated, respectively; further Isip discloses debugging the SPUFI code (col. 15, lines 16-19 'the user has made the desired corrections').

9.   **Claims 2, 9 and 15 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US 6,189,010B1 to Isip (Isip) in view of US 6,081,810 to

Rosenzweig et al. (Rosenzweig) in view of US 6,460,041B2 to Lloyd (Lloyd).

Regarding Claim 2, 9 and 15: The rejections of claims 1, 8 and 14 are incorporated,

respectively; further neither Isip nor Rosenzweig discloses sending the SPUFI code to a

staging area (col. 14, lines 12-19 'generate the output file'); but does not disclose

requesting a database update to the actual database.

Lloyd teaches requesting a database update to the actual database (col. 9, lines 50-53

'the request is made ... and authority is granted') in an analogous art for the purpose of

securing the data (col. 9, lines 22-24 'it may not be desirable that arbitrary users have

access').

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to require the updater to request and receive update access to the actual

database, as taught in Lloyd (col. 9, lines 50-53 'the request is made ... and authority is

granted') prior to running the SPUFI code disclosed in Isip (col. 15, lines 25-27 'Once

the user is satisfied ... the corrected rows can be inserted into the database table') on

the actual database, because one of ordinary skill in the art would have been motivated

to protect the actual database from unauthorized change (col. 9, lines 22-24 'it may not

be desirable that arbitrary users have access').

10.   Claims 3, 10 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Isip (Isip) in view of US 6,081,810 to Rosenzweig et al.

(Rosenzweig) in view of US 6,460,041B2 to Lloyd (Lloyd) as applied to claims 2, 9

and 15 above, and further in view of US 6,505,212B2 to Nakano et al. (Nakano).

Regarding Claims 3, 10 and 16: The rejections of claim 2, 9 and 15 are incorporated,

respectively; further none of Isip, Rosenzweig, or Lloyd discloses locking the SPUFI

code.

Nakano teaches locking code residing in a staging area (col. 20, lines 49-51 'creating a

lock on item f') in an analogous art for the purpose of preventing version conflicts (col.

18, line 18 'a means to avoid conflicts').

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to use the methods taught in Nakano (col. 20, lines 49-51) to lock the SPUFI

code disclosed in Isip (col. 14, lines 12-19) because one of ordinary skill in the art would

have been motivated to ensure that the code was not changed (col. 18, line 18) once it

had been tested and verified as with the methods disclosed in Isip (col. 15, lines 23-25).

11.   Claims 5, 12 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 6,189,010B1 to Isip (Isip) in view of US 6,081,810 to

Rosenzweig et al. (Rosenzweig) in view of US 5,592,618 to Micka et al. (Micka).

Regarding Claim 5, 12 and 18: The rejections of claims 1, 8 and 14 are incorporated,

respectively; neither Isip nor Rosenzweig explicitly disclose that determining further

comprises comparing an expected number of changes to an actual number of changes.

However Isip does disclose that the user should verify the execution of the update statement (col. 15, lines 23-24 'opportunity for the user to verify that the proper corrections have been made').

Micka discloses registering a request record change quantity, the request record change quantity corresponding to a number of expected changed records (col. 10, lines 6-10 'a pseudo count field'); identifying an actual record change quantity, the actual record change quantity corresponding to a number of actual changed records (col. 10, lines 6-10 'assigns a number to each record set'); and comparing the request record change quantity to the actual record change quantity (col. 10, lines 6-10 'a number ... for indicating whether the entire record set has been read ... in conjunction with a pseudo count field') in an analogous art for the purpose of 'indicating whether the entire record set has been read' (col. 10, lines 6-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the record count comparison taught in Micka (col. 10, lines 6-10) as the verification method disclosed in Isip (col. 15, lines 23-24) because one of ordinary skill in the art would have been motivated to 'verify that the proper corrections have been made' (Isip col. 15, lines 23-24).

12.   Claims 6, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,189,010B1 to Isip (Isip) in view of US 6,081,810 to Rosenzweig et al. (Rosenzweig) in view of US 6,189,010B1 to Brodersen et al. (Brodersen).

Regarding Claim 6, 13 and 19: The rejections of claims 1, 8 and 14 are incorporated,

respectively; further neither Isip nor Rosenzweig discloses restoring the database after

checking it for correctness.

Brodersen teaches checking the changed database for correctness (col. 8, lines 2-4 'in

the event of ... software failure'); and restoring the actual database in response to the

checking (col. 8, lines 2-4 'allow for rollback') in an analogous art for the purpose of

repairing damage done to a database as a result of an update failure (col. 8, lines 2-4 'in

the event of ... software failure').

It would have been obvious to a person of ordinary skill in the art at the time of the

invention to include the rollback ability taught in Brodersen in the invention disclosed in

Isip because one of ordinary skill in the art would have been motivated to repair any

damage done to a database as a result of an update failure (col. 8, lines 2-4 'in the

event of ... software failure').

Response to Arguments

13.   **Applicant's arguments with respect to the 25 U.S.C. 102(e) and 35 U.S.C.**

103(a) rejections of claims 1, 7, 8, 14 and 20 have been considered but are moot in

view of the new ground(s) of rejection. For the reasons stated by applicant the 35

U.S.C. 103(a) rejections of claims 4, 11 and 17 over Isip in view of Hornibrook, and the

25 U.S.C. 102(e) rejections of claims 1, 7, 8, 14 and 20 are withdrawn. Amended claims

1, 7, 8, 14 and 20 are now rejected over Isip in view of Rosenzweig under 35 U.S.C.

103(a).

14.   **Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of
claims 5, 12 and 18 over Isip in view of Young have been considered but are moot
in view of the new ground(s) of rejection.** For the reasons stated by applicant the 35
U.S.C. 103(a) rejections of claims 5, 12 and 18 are withdrawn. Amended claims 5, 12
and 18 are now rejected over Isip in view of Rosenzweig in view of Micka under 35
U.S.C. 103(a).

15.   **Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of
claims 2, 9, and 15 over Isip in view of Lloyd have been considered but are moot
in view of the new ground(s) of rejection.** As stated above amended independent
claims 1, 8 and 14 are now rejected over Isip in view of Rosenzweig, and consequently
dependent claims 2, 9, and 15 are now rejected over Isip in view of Rosenzweig and
further in view of Lloyd.

16.   **Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of
claims 3, 10 and 16 over Isip in view of Lloyd and further in view of Nakano have
been considered but are moot in view of the new ground(s) of rejection.** As stated
above amended independent claims 1, 8 and 14 are now rejected over Isip in view of
Rosenzweig, and consequently dependent claims 2, 10 and 16 are now rejected over
Insip in view of Rosenzweig further in view of Lloyd in view of Nakano.

17.   **Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of
claims 6, 13, and 19 over Isip in view of Brodersen have been considered but are
moot in view of the new ground(s) of rejection.** As stated above amended
independent claims 1, 8 and 14 are now rejected over Isip in view of Rosenzweig, and

consequently dependent claims 6, 13 and 19 are now rejected over Insip in view of

Rosenzweig further in view of Brodersen.

Conclusion

18.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US 4,688,222 to Blum compares test results with expected

results, US 2002/0178174 to Wakabayashi discloses a backup database, US 5,577,198

to Willrett et al. discloses a test database, US 5,561,763 to Eto et al. discloses a test

database for use in debugging.

19.

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100